

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

September 26, 2008

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No. 08OD-152

Maui

Cancellation of Governor's Executive Order No. 2555, Fee Simple Conveyance to the Department of Hawaiian Home Lands, Amend the Board's Prior Action of October 28, 1994, Under Agenda Item H-6, and the Issuance of a Management Right-of-Entry, Paukukalo, Wailuku, Maui, Tax Map Key: (2)3-3-06: 54

CONTROLLING AGENCY:

Department of Defense, Hawaii Army National Guard

APPLICANT:

Department of Hawaiian Home Lands (DHHL)

LEGAL REFERENCE:

Section 171-11 and 171-95, Hawaii Revised Statutes, as amended.  
Act 14, SpLH 1995.

LOCATION:

Portion of Government lands situated at Paukukalo, Wailuku, Maui, identified by Tax Map Key: (2) 3-3-06:54, as shown on the attached map labeled Exhibit A.

AREA:

1.765 acres, more or less.

ZONING:

State Land Use District: Urban

TRUST LAND STATUS:

Section 5(a) lands (non-ceded) of the Hawaii Admission Act.

DHHL 30% entitlement lands pursuant to the Hawaii State  
Constitution: YES \_\_\_\_\_ NO  X

CURRENT USE STATUS:

Governor's Executive Order No. 2555 setting aside 1.765 acres to the Department of Defense, Hawaii Army National Guard, for maintenance shop purposes.

PURPOSE OF AMENDMENT AND TRANSFER:

Restore lands to the Hawaiian home lands trust corpus pursuant to Act 14, SplH 1995, and to develop a Multi-Service Center for native Hawaiian health, education and economic development purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements.

Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

Applicant shall be required to work with beneficiaries of the Hawaiian home lands trust in the planning and development of a community-based multi-service center proposed for the subject location.

REMARKS:

The subject parcel was the site of the former Organizational Maintenance Shop No. 3 (OMS3) of the Hawaii Army National Guard. OMS3 was part of a training facility named Camp Paukukalo, which operated between the 1920s and 1960s. The first building was constructed in 1941 and additional buildings were constructed in 1948, 1973 and 1977.

In 1962, a large portion of Camp Paukukalo was transferred to DHHL leaving OMS3 as the only remaining portion of Camp Paukukalo under the jurisdictional control, management, and use of the Hawaii Army National Guard.

In August of 2004, operations at OMS3 were transferred to the Hawaii Army National Guard facility in Puunene and all activities at OMS3 ended.

In July of 2005, the U.S. Army Center for Health Promotion and Preventive Medicine completed an Environmental Baseline Survey (No. 38-EH-043A-05) of the subject parcel as part of its vacating procedures. This was followed up with a Phase 2 Environmental

Baseline Survey dated April of 2006.

Upon review of the baseline surveys and recommendations from the DLNR Engineering Division, both DLNR and DOD staff agreed to have the entire parcel cleared of all improvements in order to ensure that all environmental hazards have been remediated.

By letter dated September 14, 2006, Major General Robert Lee of the Hawaii Army National Guard requested that Executive Order No. 2555 be rescinded.

On April 9, 2008, DLNR staff met with DOD staff to conduct a final inspection of the subject premises. The inspection confirmed that all remediation actions had been completed.

On September 3, 2008, DLNR staff met with DHHL staff to review their request to have the subject parcel conveyed to DHHL pursuant to Act 14, SpLH 1995. Its conveyance to DHHL would also require an amendment to the Board's approval on October 28, 1994, of agenda item H-6, which lists parcels approved for conveyance to DHHL.

This conveyance will provide DHHL with an excellent opportunity to further its program goals and objectives, which include the development of a Native Hawaiian Multi-Service Center.

No other agencies have indicated any interest in the subject parcel.

RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor issuance of an executive order canceling Governor's Executive Order No. 2555, subject to the following:
  - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
  - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
  - C. Review and approval by the Department of the Attorney General; and
  - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Approve the fee simple conveyance of the subject land to the Department of Hawaiian Home Lands under the terms and

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conditions cited above, which are by this reference incorporated herein and subject further to the following:

- A. Compliance with the applicable parts of Chapter 171-95, Hawaii Revised Statutes, as amended;
  - B. Review and approval by the Department of the Attorney General;
  - C. The subject land shall be conveyed as is; and
  - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Amend its prior action of October 28, 1994, under agenda item H-6, by including the conveyance of the subject land's area of 1.765 acres as part of the 16,518-acre settlement agreement between the State of Hawaii and the Department of Hawaiian Home Lands, pursuant to Act 14, SpLH 1995.
  4. Authorize the issuance of a management right-of-entry permit to the Department of Hawaiian Home Lands covering the subject parcel, subject to the following:
    - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time; and
    - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

*for* Charlene E. Undli  
Daniel Ornellas  
District Land Agent

APPROVED FOR SUBMITTAL:

*[Signature]*  
Laura H. Thielen, Chairperson *lms*

SOURCE: F.P. 2020  
F.P. 1790  
F.P. 1826

